

## IN THE CLAIMS

1. - 36. (canceled)

37. (currently amended) In an ~~An~~ optical element consisting of a set of a plurality of three-dimensional cells and functioning without any electrical driving device, the improvements wherein:

a specific amplitude and a specific phase are defined in each individual cell;

said individual cell has a fixed specific optical property determined by a material or a physical structure so that, when incident light is provided to the cell, emission light is obtained by changing an amplitude and a phase of the incident light in accordance with the specific amplitude and the specific phase defined in the cell; and

said individual cell has an amplitude-modulating part having transmittance corresponding to the specific amplitude.

38. (previously presented) The optical element as set forth in claim 37, wherein each cell has a phase-modulating part having a refractive index corresponding to a specific phase.

39. (previously presented) The optical element as set forth in claim 37, wherein each cell has a phase-modulating part having an optical path length corresponding to a specific phase.

40. (currently amended) In an ~~An~~ optical element consisting of a set of a plurality of three-dimensional cells and functioning without any electrical driving device, the improvements wherein:

a specific amplitude and a specific phase are defined in each individual cell;

said individual cell has a fixed specific[[,]] optical property determined by a material or a physical structure so that, when incident light is provided to the cell, emission light is obtained by changing an amplitude and a phase of the incident light in accordance with the specific amplitude and the specific phase defined in the cell; and

said individual cell has an amplitude-modulating part having reflectivity corresponding to the specific amplitude.

41. (previously presented) The optical element as set forth in claim 40, wherein each cell has a phase-modulating part having a refractive index corresponding to a specific phase.

42. (previously presented) The optical element as set forth in claim 40, wherein each cell has a phase-modulating part having an optical path length corresponding to a specific phase.

43. (currently amended) In an ~~An~~ optical element consisting of a set of a plurality of three-dimensional cells and functioning without any electrical driving device, the improvements wherein:

a specific amplitude and a specific phase are defined in each individual cell;

said individual cell has a fixed specific optical property determined by a material or a physical structure so that, when incident light is provided to the cell, emission light is obtained by changing an amplitude and a phase of the incident light in accordance with the specific amplitude and the specific phase defined in the cell; and

said individual cell has an amplitude-modulating part having an effective area corresponding to the specific amplitude.

44. (previously presented) The optical element as set forth in claim 43, wherein each cell has a phase-modulating part having a refractive index corresponding to a specific phase.

45. (previously presented) The optical element as set forth in claim 43, wherein each cell has a phase-modulating part having an optical path length corresponding to a specific phase.